

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 IO-14 ISO-00 EB-08 COME-00 TRSE-00
DOTE-00 AF-10 ARA-14 EA-12 NEA-10 CIAE-00 DODE-00
FMC-02 INR-10 NSAE-00 CG-00 DLOS-09 OES-07 SS-15
NSC-05 PA-02 OIC-02 /136 W
-----099709 141141Z /10

R 140849Z MAR 78
FM AMCONSUL HAMBURG
TO SECSTATE WASHDC 4629

UNCLAS SECTION 1 OF 2 HAMBURG 370

E.O. 11652: N/A
TAGS: OCON, OTRA, AFIN, UNCITRAL, GW
SUBJECT: UNCITRAL - CONFERENCE ON CARRIAGE OF GOODS BY SEA
HAMBURG, REPORT NO. I

PASS: KEARNEY, STATE; JOHNSON, MARAD; JACKLIN, TREASURY;
KUTSKE, DRISCOLL, SHEFLER, DOT; FREE COMMERCE

SUMMARY: DURING THE FIRST WEEK THE CARRIAGE OF GOODS BY
SEA CONFERENCE WAS ORGANIZED INTO COMMITTEES AND
BEGAN ARTICLE BY ARTICLE ANALYSIS IN SPITE OF
ORGANIZATIONAL DELAYS. U.S. COORDINATED AND
SUBMITTED PROPOSAL ON UNITS OF ACCOUNT (SDR),
CO-SPONSORED BY U.S., NORWAY, SWEDEN, DENMARK,
FINLAND, NETHERLANDS, AND FRG.

1. UNITED NATIONS DIPLOMATIC CONFERENCE ON THE CARRIAGE
OF GOODS BY SEA MANAGED TO GET ITSELF ORGANIZED. HERBER
(FRG) WAS ELECTED PRESIDENT. AFTER CONSIDERABLE WRANGLING
AMONG THE GROUP OF 77 DR. SHAFIK (EGYPT) WAS ELECTED CHAIR-
MAN OF COMMITTEE I WHICH IS THE GENERAL WORKING COMMITTEE
CHARGED WITH EXAMINATION OF THE SUBSTANCE OF A NEW TREATY
ON THE MARITIME CARRIERS' TRANSPORT OF GOODS UNDER BILLS
OF LADING. SOVIETS HAD INFORMALLY INDICATED OPPOSITION
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TO EGYPT. GROUP 77 HAD 3 CANDIDATES: RAY (ARGENTINA),
DIXI (INDIA), AND KHOO (SINGAPORE). THE SOCIALIST BLOC
(GROUP D) CHOSE POPOV (BULGARIA) AS CHAIRMAN OF COMMIT-
TEE II WHICH IS IN CHARGE OF ALL NON-SUBSTANTIVE MATTERS
INCLUDING FINAL CLAUSES. THESE TWO COMMITTEES HAVE
UNLIMITED MEMBERSHIPS. THE UNITED STATES HAS BEEN SE-
LECTED TO SERVE ON THE DRAFTING COMMITTEE WHICH HAS 18

MEMBERS. THE U.S. SERVES ALSO ON THE CREDENTIALS COMMITTEE.

2. UN CONFERENCE ON CARRIAGE OF GOODS HAS NOT YET TAKEN FIRM SHAPE BUT CERTAIN OUTLINES APPEAR:

A) NO MAJORITY OF GROUP 77 ACTUALLY PRESENT.

74 COUNTRIES NOW PRESENT AND REGISTERED. NEVERTHELESS, PROPOSALS TO TAKE ADVANTAGE OF THIS TEMPORARY SITUATION WOULD RESULT IN PRESENCE OF SECOND SECRETARIES OF EMBASSIES FROM DEVELOPING COUNTRIES, WHICH WOULD CONTRIBUTE NOTHING TO THE WORK.

B) DEVELOPING STATES SEEM TO BE ARGUING THAT SINCE DRAFT CONVENTION HAS BLESSING OF UNCTAD IT SHOULD NOT BE CHANGED. ACCORDINGLY, U.S. PROPOSALS WILL ALL BE FRAMED AS "DRAFTING" CHANGES RATHER THAN CHANGES OF SUBSTANCE.

3. IN THE LATTER HALF OF THE WEEK COMMITTEE I SETTLED DOWN TO AN ARTICLE-BY-ARTICLE ANALYSIS OF THE DRAFT CONVENTION. U.S. ATTEMPTS TO CLARIFY AGENCY PRINCIPLES IN ART. I (1) PRODUCED SOME SUPPORT BUT MOST VIEWS WERE NEGATIVE AND THE PROPOSAL WAS NOT PASSED TO THE DRAFTING COMMITTEE. THE COMMITTEE, OVER OBJECTIONS OF U.S. AND OTHERS, DECIDED TO DEFINE "SHIPPER BY VOTE OF 28 TO 27, AND A SPECIAL WORKING GROUP ON THIS ISSUE HAS YET TO PRODUCE A SATISFACTORY DEFINITION. (U.S. IS ON THE WORK-UNCLASSIFIED

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ING GROUP.) THE COMMITTEE ALSO DECIDED TO RETAIN LIVE ANIMALS WITHIN THE DEFINITION OF "GOODS." PACKAGING OF GOODS IS ALSO INCLUDED WITHIN THE DEFINITION DESPITE STRONG EFFORTS OF SOVIETS TO REMOVE. DEFINITION OF "BILL OF LADING" IN I (6) EVOKED DISCUSSION OF RELATIONSHIP BETWEEN MULTIMODAL AND SEA CARRIAGE. THREE DELEGATIONS (JAPAN, U.K., AND U.S.) WHO HAVE SUBMITTED PROPOSALS ON THIS ISSUE WERE GIVEN TIME TO COORDINATE FURTHER. U.S. EFFORTS TO REFORMULATE I (5) ON DEFINITION OF "PORT TO PORT" LANGUAGE WAS REFERRED TO SPECIAL DRAFTING COMMITTEE WITH U.K. AND AUSTRALIA. FOUR HOURS OF MEETINGS ON WEEKEND NOT YET SUCCESSFUL.

4. U.S. ATTEMPT TO BROADEN CONVENTION'S SCOPE OF APPLICATION IN ART. 2 (1) TO INCLUDE CARRIAGE BETWEEN STATES WHEN THE PORT OF DISCHARGE AND LOADING ARE NOT SPECIFIED IN THE CONTRACT OF CARRIAGE WAS SUPPORTED BY MANY DEVELOPING STATES BUT WAS OPPOSED BY MANY CARRIER STATES WHICH WERE OF THE VIEW THAT SHIPPERS AND CARRIERS WOULD BE UNCERTAIN ABOUT THE EXTENT OF INSURANCE COVERAGE IF THEY CANNOT RELY ON THE CONTRACT OF CARRIAGE TO STATE WHETHER OR NOT THE CARRIAGE IS WITHIN THE

APPLICATION OF THE CONVENTION. THE U.S. PROPOSAL WAS DEFEATED WITH 34 VOTES AGAINST AND 27 VOTES IN FAVOR. FRIDAY'S SESSION ENDED WITH DISCUSSION OF WHETHER LASH BARGES IN INLAND TRANSPORT BUT PART OF SEA CARRIAGE SHOULD BE WITHIN SCOPE OF APPLICATION.

5. U.K. EFFORTS TO NARROW CONVENTION BACK TO TACKLE TO TACKLE RULE OF HAGUE RULES HAS CONTRIBUTED MUCH CONFUSION, AS THIS HAS BEEN FRAMED ON THE PRINCIPLE OF NOT INTERFERING WITH A FUTURE MULTIMODAL CONVENTION. WE SPENT 3 1/2 HOURS ATTEMPTING TO REACH AGREEMENT WITH U.K. AND AUSTRALIA ON THESE POINTS BUT IT IS IMPOSSIBLE. WE CANNOT SURRENDER BASIC PRINCIPLE OF HARTER ACT MERELY BECAUSE U.K. THREATENS NOT TO SIGN ANY MARITIME CON-
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VENTION WHICH OCCUPIES SOME OF THE TERRITORY WHICH FUTURE MULTIMODAL CONVENTION WOULD OCCUPY. EFFORTS CONTINUING.
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ACTION L-03

INFO OCT-01 EUR-12 IO-14 ISO-00 AF-10 ARA-14 EA-12
NEA-10 EB-08 COME-00 TRSE-00 DOTE-00 CIAE-00
DODE-00 FMC-02 INR-10 NSAE-00 CG-00 DLOS-09
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R 140849Z MAR 78
FM AMCONSUL HAMBURG
TO SECSTATE WASHDC 4630

UNCLAS SECTION 2 OF 2 HAMBURG 370

PASS: KEARNEY, STATE; JOHNSON, MARAD; JACKLIN, TREASURY;
KUTSKE, DRISCOLL, SHEFLER, DOT; FREE COMMERCE

6. U.S. COORDINATED JOINT U.S., NORWAY, SWEDEN,
FINLAND, DENMARK, NETHERLANDS, FRG PROPOSAL TO EXPRESS

THE CARRIER LIABILITY LIMITS IN IMF SPECIAL DRAWING RIGHTS USING THE APPROACH OF THE 1976 LONDON CONFERENCES. PROPOSAL SUBMITTED FRIDAY. CO-SPONSORS HAVE RECEIVED INDICATIONS THAT THE LONDON FORMULA IS ACCEPTABLE TO THE SOVIET BLOC AND SPONSORS THEREFORE AGREED NOT TO CHANGE THE LANGUAGE EXCEPT TO FIT IT TO THE HAMBURG DRAFT CONVENTION. TEXT OF PROPOSAL FOLLOWS IN SEPARATE TELEGRAM.

7. U.S. SUBMITTED AS CONFERENCE DOCUMENT STATISTICS ON VALUES AND WEIGHTS OF GOODS TRANSPORTED BY OCEAN VESSELS IN U.S. FOREIGN TRADE. AFTER LENGTHY DISCUSSIONS WITH IMF AND UN OFFICIALS, U.S. PAPER ON EFFECTS OF INFLATION HAS BEEN RECOMPUTED AND WILL BE SUBMITTED NEXT WEEK.

8. ON FRIDAY U.S. HOSTED LUNCHEON FOR CANADIANS AND MEXICANS AT PRIVATE CLUB SUGGESTED BY CONSUL GENERAL. IT IS BELEIVED THAT COORDINATION OF EFFORT WILL BE PRODUCED BY THIS.

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